

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1522 - HB 2008

March 10, 2011

SUMMARY OF BILL: Requires civil actions against defendants who are not natural persons to be brought in the county where the plaintiff resides, the county where the cause of action arose, or the county of the defendant's principal place of business or agent for service of process if the defendant does not maintain an office in Tennessee. Reduces, from \$75 million to \$25 million, the maximum bond that may be assessed to stay execution upon appeal. Limits recovery of damages in health care liability actions, in addition to other elements authorized by law, to loss of earned income rather than loss of earning capacity. Limits non-economic damages in any health care liability action to \$750,000 per occurrence and in other personal injury cases to \$750,000 per plaintiff. Limits punitive damages to the greater of two times the total compensatory damages or \$500,000. Limits liability for punitive damages in product liability actions. Requires the Court of Appeals to hear appeals from orders of trial courts granting or denying class action certification within 10 days after entry of the order. Excludes the sale of securities from potential liability under the Tennessee Consumer Protection Act (TCPA). Transfers authority to intervene in an appeal of a private action under the TCPA from the Director of the Division of Consumer Affairs to the Attorney General and Reporter. Prohibits class actions under the TCPA.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Expediting appeals of class action certification orders will not have a significant impact on the case load of the appellate courts.
- The various changes to the legal system and the TCPA may result in a decrease in civil litigation but will not significantly reduce the case load of the trial and appellate courts.
- Transferring the right to intervene in appeals of private actions under the TCPA will not have a significant fiscal impact on either the Attorney General or the Division of Consumer Affairs.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc